

REMARKS/ARGUMENTS

The original claims 1-10 filed in this application were previously cancelled and new claims 11-16 were previously added. Claims 14-16 were withdrawn by election, and in this response claim 11 is amended, claims 12 and 13 are cancelled and a new claim 17 has been added. Claim 11 is currently rejected.

With respect to the current rejection under 35 USC 103(a), it is necessary to examine how Camacho et al in combination with Few relates to the method of claim 11 as currently amended. Camacho et al teaches simultaneous fluid exchange, i.e., removing used coolant and replacing it with new coolant, accomplished with the engine operating, i.e., the engine produces the driving forces necessary for moving the fluids during the exchange. Camacho et al does not teach the use of vacuum for sucking the fluid out of the radiator or the engine, or for refilling it. Few teaches using a pump for providing suction in order to remove fluid from the engine or radiator and also for refilling it. However, Few does not teach the simultaneous evacuation of used fluid with the introduction of replacement fluid. Few and Camacho et al both teach a two step process; first removing the used fluid, followed by installing the new fluid. In this respect both references teach away from the method of claim 11, (as amended) in the instant application. The question here is, "would it have been obvious to one of skill to combine the teaching of Camacho et al and Few to practice the simultaneous injection of new fluid during evacuation of used fluid, as taught by Camacho, but using vacuum suction as taught by Few?" The answer must be "no." Please note the following important paragraphs taken from the few reference:

"[0098] The ball valve 162 on the drain service line 156 is then rotated to the open position. Back at the control panel 224, the vacuum switch 236 may be depressed by the operator to the ON position 278 (FIG. 15) to activate the vacuum generator 38 atop the waste tank 36. As the vacuum builds, the fluid from the radiator 50 is drawn

through the cone adapter bore 171, through the service line 156, and into conduit 120c. The radiator fluid exits the conduit 120c and enters inlet port 114c and passes through the remove and fill control manifold 42. After exiting the outlet port 114a and passing through conduit 120a, the radiator fluid enters the waste tank 36 via the inlet 102 and hollow stub 101 of the coupling 100. This fluid path is indicated by directional arrows 318a-i (FIG. 19).”

”[0099] The operator may allow this to continue until the desired amount of radiator fluid is withdrawn from the radiator by observing the fluid level on the sight tube 108. **Once the desired amount of radiator fluid is collected in the waste tank 36, on the control panel 224, the vacuum switch 236 may be toggled to the middle OFF position 266 (FIG. 15) by the service technician..”**

In paragraph 98 we see that Few specifically teaches that the production of vacuum is continuous during the time that fluid is being drawn out of the apparatus. In this respect, Few teaches away from using merely a static vacuum condition in the receiving tank or vessel. This is as one would suppose, in that it has not been heretofore known that a static vacuum condition is able to accomplish this resultant. In all of the prior art it is not possible to find a static condition as the motive force for moving fluids, the motive force is consistently described as a pump that is operated as long as the process is being operated. In this respect, your applicant provides a novel method not previously known.

Also, Few, in paragraph 99 teaches that once the used fluid is removed, it is necessary to halt and then switch to the second step, introducing new fluid to the apparatus. Few teaches the use of the vacuum condition remaining in the apparatus as the source of suction for drawing in new fluid, however, Few does not teach that the withdrawal and injection of fluids can occur simultaneously. Camacho et al teaches a system that requires a mechanical fluid driving device to be applied continuously. It is not possible to combine the system of Camacho et al and Few to arrive at a continuous fluid

Appl. No. 10770896
Amdt. Date: November 9, 2006
Reply to Office action of: 5/9/06

evacuation and replenishment using nothing more than a sealed tank holding a vacuum.

In contrast to the teaching of Camacho et al and Few, the instant invention teaches the novel steps of (a) providing a static vacuum condition within the receiving vessel prior to the initiation of fluid withdrawal from the apparatus, (b) use of only the vacuum condition in the receiving vessel as the force for both withdrawal of used fluid and the installation of new fluid, and (c) the simultaneous withdrawal and injection of the fluids.

Neither Camacho et al nor Few teaches (a) or (b) and only Camacho et al teaches (c). The instant method allows fluid replacement without the need for connecting cables, on board vacuum generation during the practice of the method, and provides a more compact, simplified, inexpensive and easy-to-use apparatus. The instant method enables the advantage of being able to service a vehicle without pulling the vehicle into a service bay (near a supply of compressed air) and provides the advantage of eliminating the need for long electrical cables or hoses to reach a service area outside of the garage. For these reasons, your applicant believes that claims 11 and 17 are in condition for allowance and requests a notice of allowance.

Respectfully Submitted and Certified

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Mail Stop: Fee Amendment, Commissioner for Patents, PO Box 1450, Arlington, VA 22313-1450" on 11/9/06 date of deposit.



Gene Scott, Reg. No. 37,930
Tel.: (714) 668-1900